

SOLID & HAZARDOUS WASTE MANAGEMENT PROGRAM'S

STAKEHOLDER WORKGROUP PRESENTATIONS

**Thursday, July 26, 2012
9:00 a.m. – 12:00 p.m.**



So far.....

- November 14, 2011 – Met to discuss transformation and modernization of the Solid and Hazardous Waste Management Program
- February 13, 2012 – Four workgroups were established
- March 21 – June 11 - Sixteen workgroup meetings were held



AGENDA

- Present what we heard
- Present recommendations made
- Assemble a list of items missed
- Discuss next steps

Robert Confer

Special Issues Workgroup

- **Definitions of “solid waste” & “clean fill”**
- **Facilitating closure of legacy landfills**
- **Enhancing compliance**



Notes:

- 1. consensus of the entire stakeholder workgroup was not necessarily achieved for every recommendation.
- 2. rule and statutory change recommendations are estimates of the levels of authority revisions necessary to implement the recommendation.





1. Clean Fill - Meeting March 21, 2012


Purpose - assess issues concerning Clean Fill defined at N.J.A.C. 7:26-1.4.


Sources of fill in New Jersey, some of which is clean and other fill considered contaminated vs. SRP Soil Remediation Standards at N.J.A.C. 7:26D. RDCSRS


Understand problems in industry managing fill of varying degrees of contamination and assessing approaches to proper management/disposition of contaminated fill.


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- Technical basis for sampling rates that does not use the SRP protocol (assumes large impact) to reduce sampling of known materials - allow lower sampling rates if material is certified or proven homogeneous. (RULE CHANGE) (STATUTORY CHANGE)
 - Do not require sampling of natural quarry material products. (RULE CHANGE)
 - Do not use Spill Act reportable limits. (RULE CHANGE) (STATUTORY CHANGE)
 - Do not consider piles necessarily solid waste especially in cases where testing shows contamination above the RDCSRS. (RULE CHANGE)
 - Make all piles subject to Quality Control. (RULE CHANGE)

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- Exempt partnerships for self-certification between the generator and the use facility to reduce monetary and regulatory burden on use determination process. (RULE CHANGE)
 - Accelerate and coordinate the soil use permitting process to address existing piles. (RULE CHANGE)
 - Develop rules to leverage the market to set reasonable prices for soils to take to landfills as cover. (RULE CHANGE)
 - Set a quantity for pile size above a certain amount that would require a Class B Recycling Center approval. (RULE CHANGE)

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- Develop a new fill protocol for soils/fill that is not based on SRPs standards for clean fill. (RULE CHANGE)
 - Make contaminated soil used as daily cover solid waste during transport to allow normal tracking of solid waste. (RULE CHANGE)
 - Put the burden on the generator to meet claims via certification : for out-of-state generators, place burden of certification on the NJ transporter to obtain and maintain certification. (RULE CHANGE)

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- Model New Jersey soil management policy on Pennsylvania's clean fill policy, based on generator certification: (RULE CHANGE)
 - Outline sampling requirements (i.e., sample if soil was affected by release)
 - Copy to agencies
 - Copy maintained at facility
 - Must meet destination state clean fill criteria
 - Establish a quantity limit on the amount subject to certification (i.e., less than 200 cyds) and based on the source, such as a homeowner exemption (to avoid Phase I investigation at homeowner site.) (RULE CHANGE)
 - Incorporate soils/fill with only PAH contamination for reuse into the asphalt guidance.

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- Work with DOT to expand uses on DOT transportation projects.
 - Incorporate the SRP Linear Construction Technical Guidance for use of soils for road projects. (RULE CHANGE)
 - Develop an outline of how Compliance & Enforcement prioritizes soil pile issues for inspection/enforcement attention based on actual risk. (RULE CHANGE)
 - Use SRP's LSRP model to review and develop soil certifications/approvals : LSRP is liable for material destination. LSRP license would be on the line. (RULE CHANGE)
(STATUTORY CHANGE)
 - Allow municipalities to use local fill permits with contamination limits. (RULE CHANGE)

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- Require tracking of all soils, require facilities to deal with only licensed qualified entities. (RULE CHANGE)
 - Require facilities to have steps to prevent illegal handling. (RULE CHANGE)
 - Make the destination facility, “grave,” ultimately responsible. (RULE CHANGE)
 - Develop a soil testing and management protocol consistent with SRP and accounts for other agencies, Pinelands. (RULE CHANGE)
 - Develop soil rules to: level playing field, balance standard and monetary/regulatory burden, and address “testing for clean” for known releases. (RULE CHANGE)




2. Definition of Solid Waste - Meeting March 21, 2012

Purpose of this meeting was to assess issues concerning the current definition of solid waste at N.J.A.C. 7:26-1.6.

Definition has been used for many years.

Understand whether the regulated community can recommend changes to the definition of solid waste in the rules that would facilitate better management of waste in New Jersey to provide more economical means of managing waste.

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- Determine if solid waste at landfills can become nonsolid waste when the site is developed and the waste is used as base for the construction? (RULE CHANGE) (STATUTORY CHANGE)
 - Determine if all soil and other materials piles become solid waste landfills after 6 months of storage? (RULE CHANGE)
 - Determine who is responsible for the piles, the original generator or the land owner where the material is located, or the current owner of the material? (RULE CHANGE)
 - Determine if the definition can have flexibility applied at the edges to be considered not solid waste. (RULE CHANGE)





3. Legacy Landfills – Meeting April 18, 2012


Purpose : assess issues concerning the older nonoperating landfills nonoperating before 1982 – no closure requirements

Environmental problems : contaminated leachate to contaminate ground water, migrating methane gas and other pollutant gases can migrate into inhabited structures.

Many issues such as insufficient funding to investigate and properly close landfills make closing the legacy landfills a difficult mission.

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- Define “Legacy Landfills” based on: the dates of operation & closure; engineering design; type of registration; links to closure funding; and ownership. (RULE CHANGE)
 - Develop clear guidance for DEP responsible programs – SW or SRP for redevelopment on landfills; (no consistent regulatory approach to redevelopment of landfills – depends on whom you deal with at DEP); (RULE CHANGE)
 - Develop clear rules and guidance to recognize operating landfill requirements versus redevelopment landfill requirements. (RULE CHANGE)

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- Stop regulating landfills under two (2) sets of regulations: SW and SRP. Moving landfills into SRP and use of LSRP would add to the cost of development. (RULE CHANGE) (STATUTORY CHANGE)
 - “Affirmative Obligation to Remediate” is basis for SRP rules. SW regulations do not have the same basis. (RULE CHANGE) (STATUTORY CHANGE)
 - Develop rules for concerns related to unapproved redevelopment that has already taken place on landfills. (RULE CHANGE)
 - Make redevelopment of landfills more advantageous to developers (incentives?). (RULE CHANGE) (STATUTORY CHANGE)

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- Make all regulations performance based. (RULE CHANGE)
 - Develop a whole new section of regulations to deal with “legacy landfills”. (RULE CHANGE)
 - Regulations need to specifically address the factors and requirements for development of/on landfills. (RULE CHANGE)
 - Develop the concept of a solid waste equivalent of SRPs “NFA”. (RULE CHANGE)
 - Soil monitoring requirements should be updated for all new testing methods and parameters. (RULE CHANGE)
 - Revise regulations to accommodate different “classes” of sites. (RULE CHANGE)




4. Landfill Post-Closure Care Period – Meeting April 18, 2012


Purpose : assess issues concerning SW rule defining Post-closure Period as 30 years for landfills stopped operating after 1982, known as post-82 landfills.

30-year period issue because impacts from the landfills do not necessarily end at the 30-year period.

Require continued monitoring

Require additional closure work. The Department seeks input on how to make extending the 30-year Post-closure Period reasonable and protective of environment.

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- Extend the 30-year landfill post-closure period, leaving it open ended; (more difficult for redevelopment and the Department needs to do better revisiting closure and post-closure requirements during the post-closure period) (RULE CHANGE)
 - Determine how to put monies together to fund landfill expenses for sites that have to extend post-closure care; (RULE CHANGE) (STATUTORY CHANGE)
 - Use modeling to determine the impact on receptors to determine closure requirements in the Pinelands and elsewhere. (RULE CHANGE)


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- ITRC Publication, “Evaluating, Optimizing, or Ending Post-Closure Care at Municipal Solid Waste Landfills Based on Site-Specific Data Evaluations,” dated September 2006 into the Solid Waste Landfill Technical Manual as a reference document. (RULE CHANGE)
 - Rules to allow ET (Evapotranspiration) caps. (this must be equivalent to 1 foot of 1×10^{-7} cm/s of clay. In New Jersey, at least 4 to 5 feet of compacted soil or more – up to 10 feet.) (RULE CHANGE)





5. ENHANCING COMPLIANCE - May 17, 2012


Purpose : assess issues concerning means to enhance compliance at New Jersey's permitted solid waste and recycling facilities.

The Department seeks input into ways to obtain better levels of compliance at facilities while facilitating the operations at the facilities when feasible.

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- Permit writers coordinate with C&E to make clearer approvals.
 - Use the first site inspection for counseling and include the permit writer.
 - Develop a compliance followup process to resolve disagreements.
 - Develop simpler method for Permit Modifications, maybe allow the activity but include in approval in next full mod. (RULE CHANGE)
 - Allow self-reporting of issues with site changes and approvals. (RULE CHANGE)
 - Develop easy approval updates for changing conditions at sites. Use a 3rd party P.E. approach to sign off on minor mods or other mod conditions. (RULE CHANGE)

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- Make approval conditions performance-based rather than prescription based. (RULE CHANGE)
 - Develop a simpler process to change locations of equipment, piles of materials, etc., in approvals, if there is really a need for location specifications. (RULE CHANGE)
 - Follow local requirements rather than permitting if in an industrial area. (RULE CHANGE)
 - Simplify minor mod procedure like insurance policy updates, just notify DEP of changes. (RULE CHANGE)
 - Use the RCRA enforcement approach for mods of distinct Classes of mods 1,2,3. (RULE CHANGE)

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- Eliminate need for mods by negotiating upfront.
 - Land Use Issues – allow the applicant to establish what rules apply. (RULE CHANGE) (STATUTORY CHANGE)
 - Hold a compliance meeting before an approval is issued.
 - Allow mechanized systems a compliance-free shake-down periods. (RULE CHANGE)
 - Allow a grace-period, like a 6-month startup period. (RULE CHANGE)
 - Allow equipment's' lists to be updated periodically for O&M updates. (RULE CHANGE)

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- Allow annual self-reporting of compliance issues. (RULE CHANGE)
 - Just shut down facilities that are always out of compliance. Metric for compliance levels when exceeded would trigger approval revocation action so facilities know where they stand. (RULE CHANGE)
 - Develop more permit-by-rule issues facilities can apply without Department notification. (RULE CHANGE)
 - Use an LSRP for approach with performance-based standards, though LSRPs can be very conservative to protect licenses; may be more conservative than DEP. (RULE CHANGE) (STATUTORY CHANGE)
 - Allow licensed 3rd party P.E. for compliance inspections. (RULE CHANGE) (STATUTORY CHANGE)

Anthony Fontana Business Practices Workgroup

- Improving, streamlining and modernizing permitting of solid waste facilities
- Beneficial use determinations



Topics

- Permitting
- Beneficial Use Determinations (BUDs)
- Fees
- Contaminated Soil



PERMITTING

Contents of Permit Applications

Info requested for applications is reasonable



Permitting

- Topics
 - Electronic Submission of Applications
 - Public Participation
 - Renewal of Permits
 - Modifications of Permits
 - Exemptions from Permitting
 - General Comments



Permitting

Electronic Submission of Applications

- Applications could be submitted via CD-ROM and /or online. All applications available for review via a link on the Department's web page or through data miner
- Complete applications on-line - May be appropriate less complicated applications
- Possible for applicants to build their own permits online



Permitting

Electronic Submission of Applications

- **Recommendations**

- Submit applications electronically (one paper copy submitted to DEP). The application would also be available to all interested parties and the public on-line.
- Evaluate the feasibility of completing applications on-line. This process may be limited to only certain types of simpler applications.



Permitting Public Participation

- Should be done up front upon application submission or after administrative completeness instead of back end after a draft permit is issued to provide more meaningful public participation opportunity



Permitting Public Participation

- **Recommendation**

- Public participation process including public notice and hearing, if necessary, to be conducted after application is determined administratively complete instead of after technical completeness and draft permit issuance.



Permitting

Renewal of Permits

- If no changes needed, make the renewal process simple or not needed at all
- Only issue renewal when a permit is modified or new requirement takes effect, otherwise, existing permits remains effective – no expiration date for permits
- Five year permit term is good because it allows facilities an opportunity to focus on their permit requirements/activities at renewal time



Permitting

Renewal of Permits (con't)

- All permits for a specific class of facility should expire at the same time so that each permit for that class of facility type is consistent
- Renewals should be conducted in an open forum. Could have a one day public forum where the applicant appears before a review board to discuss their renewal and the public is invited to comment. Renewed permit could be issued the same day if satisfactory.



Permitting Renewal of Permits

- **Recommendation**

- Issue permits with no expiration dates. As permits are modified, they will be reissued with all necessary updates. The Department will reserve the right to modify and reissue a permit at any time if regulations change or new information, etc. that justifies new permit conditions materializes.



Permitting

Modifications to Permits

- Facilities should be able to make minor changes, such as equipment changes/movement within a building, without requiring DEP approval
- Consider RCRA-type process of Class 1, 2 and 3 modifications. Some Class 1 modifications do not require DEP approval to implement.



Permitting

Modifications to Permits

- **Recommendation**

- Process minor modifications to solid waste and recycling permits similar to the process for Class I modifications to hazardous waste permits. This will allow simple modifications to take place through a notification and not require pre-approval by the Department.



Permitting

Exemptions from Permitting

- Need to have all facilities (permitted and exempt) on a level playing field
- Some exempt facilities have turned into large commercial operations



Permitting

General Comments

- Need coordinated review by all agencies involved
- Need firm dates when DEP will make a decision
- Approve in phases/modules so that if one aspect of an application has issues the rest of the application could be approved
- Performance based standards instead of prescriptive regulatory requirements



Permitting

General Comments

- **Recommendation**

- As part of the application process, applicant will develop a checklist of compliance items (inspections, operational and maintenance, etc.) required by permit. Periodically the owner/operator and independent professional engineer will be required to complete the checklist and certify that all required items were properly conducted and the facility is operating in compliance with its permit.
- This concept could also be applied to exempt facilities for those activities where noncompliance is common



Beneficial Use Determinations (BUDs)

- Sampling & Analysis
- General Comments



Beneficial Use Determinations (BUDs)

Sampling & Analysis

- Desirable to have standard sampling and analysis protocol, but want flexibility
- Often sampling and analysis costs are large and the expenses could influence project
- Get an agreement with the Department up front on sampling and analysis requirements prior to BUD application submission. Generators of material could decide whether to proceed with application if they know the anticipated costs.

Beneficial Use Determinations (BUDs) Sampling & Analysis

- Fyi. If material is contaminated, often sampling not as extensive because it is known to be contaminated. Those accepting material as clean fill wants lot of results to prove it's clean.

Beneficial Use Determinations (BUDs)

Sampling & Analysis

- **Recommendation**

- If sampling and analysis of potential BUD material is required, set up process that the protocol for sampling and analysis can be submitted for review and approval by the Department in advance of BUD application so applicant knows exactly what sampling and analysis will be required (and the associated costs) prior to applying and can decide whether to proceed with preparing an application.



BUDs

General Comments

- Often time is critical for material to move for beneficial use. Need the Department to complete application review timely. If not approved within specified timeframe, application should be automatically approved.
- Should have electronic applications for BUDs
- Evaluate categorical BUD for PAH soils
- BUD approvals should have expiration dates. Could be extended upon request.



BUDs

General Comments

- **Recommendations**
- Submit applications electronically (one paper copy submitted to DEP). The application would also be available to all interested parties and the public on-line
- Evaluate the feasibility of completing applications on-line.
- Mandatory timeframe for Department review of BUD application should be set in regulations since time is often critical in moving BUD material
- BUD approvals should contain an expiration date that may be extended upon request. This will allow the Department to keep track of which BUDs are still active.



Fees

- The current invoices mailed out by the State are too vague
- Eliminate current fee structure in favor of per ton fee placed on waste to fund applicable Department programs.



Fees

Recommendations

- Department invoices should be clear and more descriptive of the service that is being billed
- If a facility is behind in payments, any new invoices should also document which invoices are overdue
- Evaluate eliminating or greatly scaling back fees in favor of a per ton fee placed on facilities accepting waste



Contaminated Soil

Goal of Department

- The Department has a goal of prohibiting the stockpiling of contaminated soil at unregulated sites while not impeding the management of “clean” soil



Contaminated Soil

- Policies
- Definitions
- Certifications
- Sampling & Analysis
- Contaminated Soil Acceptance
- Uses for Contaminated Soil
- Recommendations



Contaminated Soil Policies

- Focus on what we can control effectively
- Initiate soil management standards as a policy to work out the kinks before turning into regulation
- Develop a fill policy similar to Pennsylvania
- Create a “regulated fill” category that would have contaminants above non-residential limits but would not be classified as solid waste



Contaminated Soil

Definitions

- Define “clean fill”, “regulated fill” and “waste” as it relates to soil. Regulated fill should have defined uses that are allowed without going through the BUD process. If waste, then need a BUD or use on landfills.
- Develop a fill policy that defines “historic” or “urban” fill – ash, cinder



Contaminated Soil Certifications

- Need consistent testing for someone to certify soil as “clean fill”
- Design reasonable biased sampling protocol based on known history of site
- Don't make too onerous but the Department will have to make the call on testing protocol
- Follow PADEP policy – have form where you can omit parameters
- Have a well-defined sampling and analysis protocol – start with priority pollutants + 40 with option to omit parameters based on knowledge of site

Contaminated Soil Certifications (con't)

- Current NJ testing frequency is not good because does not reflect market realities (requires to frequent testing - every 100 cubic yards) – samples 1 per 1,000 is more reasonable
- If virgin fill – 1 per 5,000 cubic yards
- Exempt virgin fill from testing because virgin fill often has levels above standards
- Require self-certification of virgin fill
- Have different criteria based on end use



Contaminated Soil

Contaminated Soil Acceptance

- Have municipalities permit sites that accept soil, not DEP
- Require site owners get permit from town if accepting soil. DEP would have to set/recommend standards
- Have municipalities develop model ordinances
- Towns should be notified when a site is accepting soil and should require testing

Contaminated Soil

Contaminated Soil Acceptance (con't)

- Have guidance that sites can not stockpile greater than a specified quantity based on criteria
- Grant immunity to a person accepting soil based on generator certification that soil is clean
- Accepting small pile from one source is OK but need to regulate site if accepting from more than one source

Contaminated Soil

Contaminated Soil Acceptance (con't)

- If allow Class B or other class of recycling facility to accept contaminated soil for transfer:
 - Limits should be placed on contaminant levels
 - All storage and processing should be conducted inside a building
 - If facility provides sediment and dust control, do not require a building



Contaminated Soil

Uses for Contaminated Soil

- If used beneath asphalt (roadways, parking lots), then allow as an acceptable use without DEP approval
- Create exception for soils contaminated with PAH's from asphalt. Specify uses that would not require deed notice.

Contaminated Soil Recommendations

- 3 Prong Approach
 - Certification for Sites Accepting “Clean” Soil
 - Relatively Low Cost Outlet for Contaminated Soil
 - Allow Use of Contaminated Soil

Contaminated Soil Recommendations

- Require sites accepting greater than a specified quantity of soil (such as one truckload) to receive and maintain a certification from the generator that the soil is not contaminated. Consider whether this certification standard should apply to all sites or just those accepting soil for eventual transfer to other sites. Require sites accepting soil for transfer to register with the Department. Establish a workgroup to formulate certification requirements and limits.

Contaminated Soil

Recommendations (con't)

- Allow Class B recycling facilities to accept and process/blend contaminated soil. All soil storage and processing will be required to be conducted within a building having a proper air pollution control system. End markets will be restricted to sites authorized to accept contaminated soil such as landfills, brownfields, and mine reclamation sites, i.e. no unrestricted use.

Contaminated Soil

Recommendations (con't)

- Add a categorical BUD that would allow soil that is above soil remediation standards for only PAH compounds to be used under public roadways. Establish a workgroup to decide acceptable criteria for such a BUD.

Debbie Pinto

Solid Waste Market and Planning Workgroup

- **New technologies**
- **Flow control**
- **County planning & siting criteria**
- **Addressing environmentally overburdened communities**
- **Regionalization**
- **Solid waste debt**



MARKETING & PLANNING

The future is materials management:

- What NJDEP can do to facilitate the transition of NJ's solid waste industry to a new, sustainable materials management model while recognizing the need to continue comprehensive county solid waste management systems and the retirement of county solid waste debt?



SOLID WASTE MARKET

- Two markets exist in NJ overlap and create tension
- Open market-unrestrained competition
- Government market-waste flow control
- Thirteen counties utilize waste flow; Why?
 - Steady revenue stream to reduce county solid waste debt
 - Support comprehensive solid waste management systems that provide recycling, household hazardous waste disposal and solid waste disposal services.



STATUTORY RECOMMENDATION:

Amend the Local Contracts Law and uniform bid spec rules to allow municipal disposal contracts to stay in effect for up to 10 years, not 5 years.

- Stabilizes solid waste costs for municipalities for a longer period of time
- Creates consistency between the Local Contracts Law and the Uniform Shared Services & Consolidation Act
- Encourages new capital investment by private collectors (e.g. CNG/LNG vehicles & fuel stations)



RECOMMENDATION FOR NJDEP

Provide guidance to governmental entities about solid waste contracts including:

- Compliance with the uniform bid spec requirements
- Strategies to increase recycling rates
- New technologies
- Consider bidding out separate contracts for collection and disposal to obtain the best rates.



RATES and TARIFFS-Discussion

- Solid waste disposal rates vary from \$45 to \$125 per ton based on geographic location, county solid waste debt, competition, waste flow control, discounts and spot market rates.
- In waste flow counties with a private operator of the designated disposal facility, rates for in-county vs. out of county and out of state waste vary tremendously, and the burden of paying debt falls upon in-county residents and businesses.



DISCOUNTED RATES

- NJDEP is responsible for ensuring fair and effective competition under the Solid Waste Utility Control Act.
- The current tariff format used by disposal facilities doesn't include **discounted rates**
- The workgroup discussed amending the tariff to include discounts offered to different classes of customers and the methodology used to calculate discounts to ensure fairness.
- **Recommendation:** Continue working with a subcommittee on the draft tariff with county & private industry representatives



DISPOSAL CAPACITY

There is excess disposal capacity in NJ due to:

- Economy
- Increased recycling efforts & materials recovery
- Competitive out-of-state rates

RESULTS-

Intense competition; Lower rates; More waste flow counties; and the closure or scaling back of disposal facilities.



SOLID WASTE DEBT/ECONOMICS

Stats:

- Total county solid waste debt –approx. \$700 million
- Union County holds about 27% of debt and 4 other counties (Burlington, Essex, Hudson, and Middlesex) account for about 21% of the total debt.
- There are 13 counties with debt, of which only one (Middlesex) does not have waste flow control. Morris County has waste flow control but no solid waste debt.



RECOMMENDATIONS

Prior to approving plans, permits or financing petitions, NJDEP must conduct a comprehensive review of a county's entire solid waste system and full cost accounting of its solid waste operations to ensure:

- New debt is necessary
- Solid waste revenues are sufficient to make debt payments and support a county's comprehensive solid waste management system.



NJDEP's review should also include whether:

- Every user of a designated solid waste facility with public debt contributes to paying down the debt.
- There is available regional disposal capacity as an alternative to a new or expanding county facility, to preserve landfill space and/or to obtain lower rates.



STATUTORY RECOMMENDATION

- Combine the A-901 statute and Solid Waste Utility Control Act (SWUCA)
- A-901 ensures that persons who lack reliability, integrity and competency can't participate in NJ's solid waste industry.
- SWUCA ensures “safe, adequate and proper waste disposal at just and reasonable rates.”
- Combining these statutes will reduce the administrative burden, shorten the waiting period for approvals, and reduce reporting requirements.



COUNTY PLANNING & SITING ISSUES

Regionalization Recommendation:

We need to consider regional disposal capacity and regional planning in order to identify opportunities for the 22 solid waste planning districts to coordinate and share resources, preserve scarce landfill space for the future, and take advantage of favorable disposal rates.



How can NJDEP facilitate regionalization?

RECOMMENDATION-

Identify all solid waste disposal assets to develop and refine the concept for regional waste sheds, using a statewide map for well-informed planning purposes and decision making.

To support a shift to regional disposal capacity, NJDEP must assure counties that there is sufficient capacity “in the bank” for future use in the region, to avoid any crisis or disruption in waste disposal.



COUNTY PLANNING & SITING CONCERNS

Industry reps are concerned that if a town decides they don't want a solid waste facility, they may block new or improved facilities from being sited in their jurisdiction.



PLANNING RECOMMENDATION

The process to involve NJDEP to assist new or expanding facilities & local officials must be visible and readily available in cases where local government may be holding up an approval or disapproving a facility to ensure compliance with the State rules, State solid waste master plan, & the applicable county solid waste management plan.



PLANNING RECOMMENDATIONS

A consistent, statewide planning process is needed to:

- Provide predictability for local government, investors and companies
- Standardize timeframes for local approvals
- Include a pre-application conference for applicant, local officials & DEP (when needed)



PLANNING RECOMMENDATIONS

Solid Waste Master Plan

State needs to develop a “blue print” in its Solid Waste Master Plan to provide for the transition to a material management model that includes an economic development strategy and regulatory flexibility .The stakeholder process should continue to assist NJDEP to develop this blue print.



PLANNING RECOMMENDATIONS

- Solid waste facilities should be properly scaled for their intended purpose. For example, a county disposal facility should be scaled to accommodate the waste generated within that county unless the county can provide a justification why an “oversized” disposal facility is required.



COUNTY SOLID WASTE ADVISORY COMMITTEES

The current makeup of municipal reps on the county SWAC varies greatly, with Bergen County with 70 municipal reps and Morris County with one. It's difficult to have regular meetings with quorums to take actions on new or expanded solid waste facilities in some counties.



RECOMMENDATIONS for NJDEP

- Provide guidance to Freeholders & County SWACs on the make up of municipal representation is needed since every town is NOT required to have a representative on the county SWAC.
- If NJDEP finds that SWAC meetings are not conducted regularly with quorums, NJDEP should request that County Freeholders amend the makeup of its SWAC group to ensure members are committed to attending regularly.



Planning Issues: Environmentally overburdened communities (EOCs)

EOCs are areas in NJ that shoulder an inordinate amount of pollution or impacts on environmental quality.

NJDEP has determined that special consideration of additional impacts on these areas should be undertaken, and is evaluating criteria to consider when State and local officials review plans and permits for new or modified solid waste facilities:



EMERGENCY PLANNING-RECOMMENDATIONS

- NJDEP -Develop a map that identifies all:
 - Pre-approved municipal & county staging areas
 - Solid waste disposal facilities
 - Materials management facilities
- Each county should develop a master list of all available assets in its county (e.g. trucks, back loaders, chippers, etc.) needed to address an emergency debris crisis.



NEW TECHNOLOGIES

There are a number of new & emerging technologies, especially for materials management, e.g. food waste, waste to energy (gasification, pellets) and to “de-manufacture” hard plastics into fuel.

RECOMMENDATION-NJ needs to review studies and data generated in other states, take an active role to identify new and emerging technologies, and regularly meet to exchange this information with public and private solid waste entities.



NEW TECHNOLOGIES- RECOMMENDATIONS

- NJDEP regulatory programs must coordinate with each other and be flexible to encourage new & emerging technologies
- There was consensus that a simple Radio Frequency Identification (RFID) application to pilot this technology is appropriate, starting with use on private collection vehicles on contract with municipalities.

Guy Watson

Recycling and Waste Minimization Workgroup

- **Enhancing recycling in commercial sector & institutions**
- **Enhancing recycling of food waste**
- **Enforcement of Recycling**
- **Waste source reduction**



Enhancing recycling in commercial sector and institutions-Discussion points included-

Obstacles to expanded commercial/institutional recycling;


- Differences between “main street” stores, strip malls, “big box” stores (space and other logistical issues);
- Underreporting of current recycling;
- Economic advantages/incentives for increased recycling;
- Level of/lack of education relative to recycling mandates;
- Level of/lack of enforcement of recycling mandates;
- Role of towns/counties in providing recycling services.



Enhancing recycling of food waste-

Discussion points included-

- History of food waste “composting” in the state;
- What selected other states (CT.) are doing;
- Current collection/processing infrastructure;
- Near term assessment for processing capacity;
- Example of Princeton Twp. for residential food waste collection;



Enforcement of recycling (Issues related to local recycling coordinator)- Discussion points included:

- Job description/responsibilities;
- Education and training;
- Responsibilities, duties other than as recycling coordinator;
- Time commitment to recycling responsibilities;
- Authority to fulfill responsibilities, including enforcement.



Enforcement of recycling (Issues related to elected officials)-Discussion points included:

- Lack of understanding of the economic and other benefits of recycling, both for the town budget and business bottom line;
- Lack of understanding of the role of the recycling coordinator;
- Lack of commitment to recycling;
- Unwillingness (generally) to enforce recycling mandates.



Waste source reduction-Discussion points included:

- Overriding issue of lack of authority for DEP to pursue this;
- Must be driven by either industry voluntarily, or by legislation;
- Current situation has a direct effect on costs of HHW programs (paint, fluorescent lamps, pesticides, e-waste, etc.);
- Models exist for “taxing” waste production (eg. plastic bags);

Special Meeting- Material recovery Facilities (MRF's)

- Issues Discussed:
- Recycling Act requires source separation of county-designated recyclables through municipal ordinances, but provides for municipal exemption for commercial and institutional generators in certain circumstances;
- In 1987 (when Recycling Act was passed) few MRF's existed to effectuate above, but there are now some 55 permitted TS/MRF's;
- As per DEP policy, no county may prohibit waste from being MRF'd, so long as residue is disposed as per county(ies) waste mgt. plan;
- It is cumbersome for MRF operators to get exemptions for each generator from multiple towns;
- No uniform statewide list of designated recyclable materials;



Special Meeting- MRF's cont.

- Not all MRF's reporting accurately and consistently;
- MRF's tend to be sited in areas that are already “Environmentally Overburdened”.



MATERIAL RECOVERY FACILITIES (MRFs) - Recommendations

- Pilot & Possible Legislative Amendment: It was proposed that NJDEP support a pilot project by a county that is willing to adopt an ordinance for an automatic exemption for commercial Type 10 waste to go to a MRF, which would include: 1-the MRF will continue to operate regardless of market price/demand variations; 2-the MRF meets or exceeds a certain tonnage; 3-the MRF meets specific reporting requirements; 4-the MRF has the appropriate, mechanized equipment to pull recyclables from the waste stream; 5-the MRF agrees to reject waste loads that contain relatively small amounts of recyclables; and 6-subject the MRF to a third party certification. If a pilot is successful, there may be support for a legislative amendment to the Mandatory Source Separation Act for commercial Type 10 waste to go to MRFs.
- Note-NJDEP believes less than 10 current MRFs could possibly meet such criteria.
- It was decided that further meetings needed to discuss this more fully.



Recommendation

- If NJDEP and the counties can be assured of true and accurate reporting by MRFs, perhaps through third party audits, counties should accept a check in lieu of residual waste to reduce trucks on the road transporting residue back to the county of origin and to minimize air pollution impacts.

What did topics did we miss?



Next Steps.....